

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0199

P.C. DATE: February 27, 2007

ADDRESS: 3800 - 4004 Ben Garza Lane

OWNERS: Estate of Eli J. Garza and
Rancho Garza, Ltd.
(Ron White)

AGENT: Lopez-Phelps & Associates
(Amelia Lopez-Phelps)

ZONING FROM: I-RR; DR; MF-2-CO **TO:** GR-MU **AREA:** 22.118 acres

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily trips to 2,000 and 2) prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

A Restrictive Covenant limits the number of multi-family residences to 450 units across the 33.673 acres contained in this rezoning case, C14-06-0181 and C14-06-0197.

PLANNING COMMISSION RECOMMENDATION:

February 27, 2007: *APPROVED STAFF'S RECOMMENDATION FOR GR-MU-CO DISTRICT ZONING WITH A RESTRICTIVE COVENANT THAT THE SUM OF MULTI-FAMILY RESIDENTIAL UNITS IS LIMITED TO 450 IN STAND-ALONE BUILDINGS; BY CONSENT.*

** NOTE: THIS RESTRICTIVE COVENANT WILL COVER C14-06-0181; C14-06-0197 AND C14-06-0199.*

[J. REDDY, M. DEALEY 2ND] (9-0)

ISSUES:

A letter from the Applicants' agent is attached at the back of the Staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of undeveloped land and is zoned interim – rural residence development reserve and multi-family residence – low density – conditional overlay (I-RR; DR and MF-2-CO). The property is surrounded to the north by undeveloped land and Williamson Creek (RR; DR), to the south by one single family residence, undeveloped land and apartments (proposed for GR-MU as a related case) and a construction sales and services use (CS-CO) and single family residences in the County to the east. Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and B (Recorded Plat).

The Applicant proposes to rezone the property, as well as two adjacent properties to the east and north to the community commercial – mixed use (GR-MU) district to accommodate commercial and residential uses. Staff recommends the Applicant's request for GR-MU based upon the following: 1) proximity and proposed frontage on MoPac Expressway, and existing commercial zoning and uses to the south and east; and 3) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, and 4) a limitation on the number of multi family residential units across the three properties provides an incentive for a non-residential component to occur.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR; DR; MF-2-CO	Undeveloped; Four single family residences
<i>North</i>	RR; DR	Undeveloped; Williamson Creek
<i>South</i>	SF-2; DR; I-RR; GR-CO; GR	Single family residence; Apartments (proposed for GR-MU); Financial services; Restaurants (general and limited); Food sales
<i>East</i>	CS-CO; N/A (County)	Construction sales and services; Single family residences on large lots
<i>West</i>	N/A	MoPac Expressway

NEIGHBORHOOD PLANNING AREA: Oak Hill NPA **TIA:** Is not required
(East Oak Hill)

WATERSHED: Williamson Creek – **DESIRED DEVELOPMENT ZONE:** No
Barton Springs Zone – Recharge Zone

CAPITOL VIEW CORRIDOR: No **SCENIC ROADWAY:** Yes, MoPac
Expressway

NEIGHBORHOOD ORGANIZATIONS:

288 – City of Sunset Valley
 298 – Oak Hill Association of Neighborhoods
 384 – Save Barton Spring Association 385 – Barton Springs Coalition
 428 – Barton Springs / Edwards Aquifer Conservation District
 511 – Austin Neighborhoods Council 627 – Onion Creek Homeowners Association
 705 – OHAN 78735
 706 – OHAN 78736 707 – OHAN 78737 708 – 78738
 709 – OHAN 78739 710 – OHAN 78749
 742 – Austin Independent School District 943 – Save Our Springs Alliance

SCHOOLS:

Sunset Valley Elementary School Covington Middle School Crockett High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-06-0137 (CVS William Cannon)	LO-CO to LR	To Grant LR-CO with CO for 2,000 trips and 50' undisturbed vegetative buffer along the east property line	Approved LR-CO as Commission recommended (9-28-06).
C14-05-0196 A & B (Lowe's on Brodie)	I-RR to CS-CO	To Grant CS-CO with CO for list of prohibited and conditional uses	Approved CS-CO as Commission recommended (12-15-05).
C14-96-0139 – M-Tract (HEB Grocery)	LI-PDA to GR	To Grant GR with conditions in a Restrictive Covenant	Approved GR (4-24-97).
C14-93-0042 (Garza Ranch Block E)	LR to MF-2	To Grant MF-2-CO	Withdrawn by the Applicant
C14-88-0068 (Garza Place)	DR; SF-2 to GR; MF-2; P (for r-o-w)	To Grant with conditions	Approved RR; MF-2-CO; LO-CO; GR-CO. Conditional Overlays pertain to permitted uses, fence, buffer, access, F.A.R. and number of dwelling units. Restrictive Covenant for hours of operation, and conditions for gas station storage sites (3-9-89).

RELATED CASES:

The property owners of the adjacent land to the south have also requested GR-MU zoning (C14-06-0181 and C14-06-0197).

The subject property was one of several tracts known as Garza Place, a 1988 – 1989 zoning case that consisted of land at all four corners of the MoPac and William Cannon Drive intersection (C14-88-0068). This rezoning area was known as Tract 6 and approved for MF-2-CO with the Conditional Overlay limiting the number of dwelling units to 289.

The west portion of the property is platted as Lot 1, Block E Garza Ranch, a subdivision recorded in September 1991 (C8-91-0019.0A). There are no related site plan cases on the subject property. The east portion of the property is unplatted.

ABUTTING STREETS:

NAME	ROW	PAVEMENT	CLASSIFICATION	BICYCLE PLAN	CAPITAL METRO	SIDEWALKS
South MoPac Expressway	400'	Varies	Arterial	No	No **	No
Ben Garza Lane	70'	Not Constructed*	Collector	No	No **	No

*Currently Ben Garza is constructed from Brodie Lane west 1,200'. Ben Garza is not constructed where it abuts this property.

**Capital Metro bus service is not available within 1/4 mile of this property.

CITY COUNCIL DATE: May 3, 2007

ACTION:

ORDINANCE READINGS: 1st

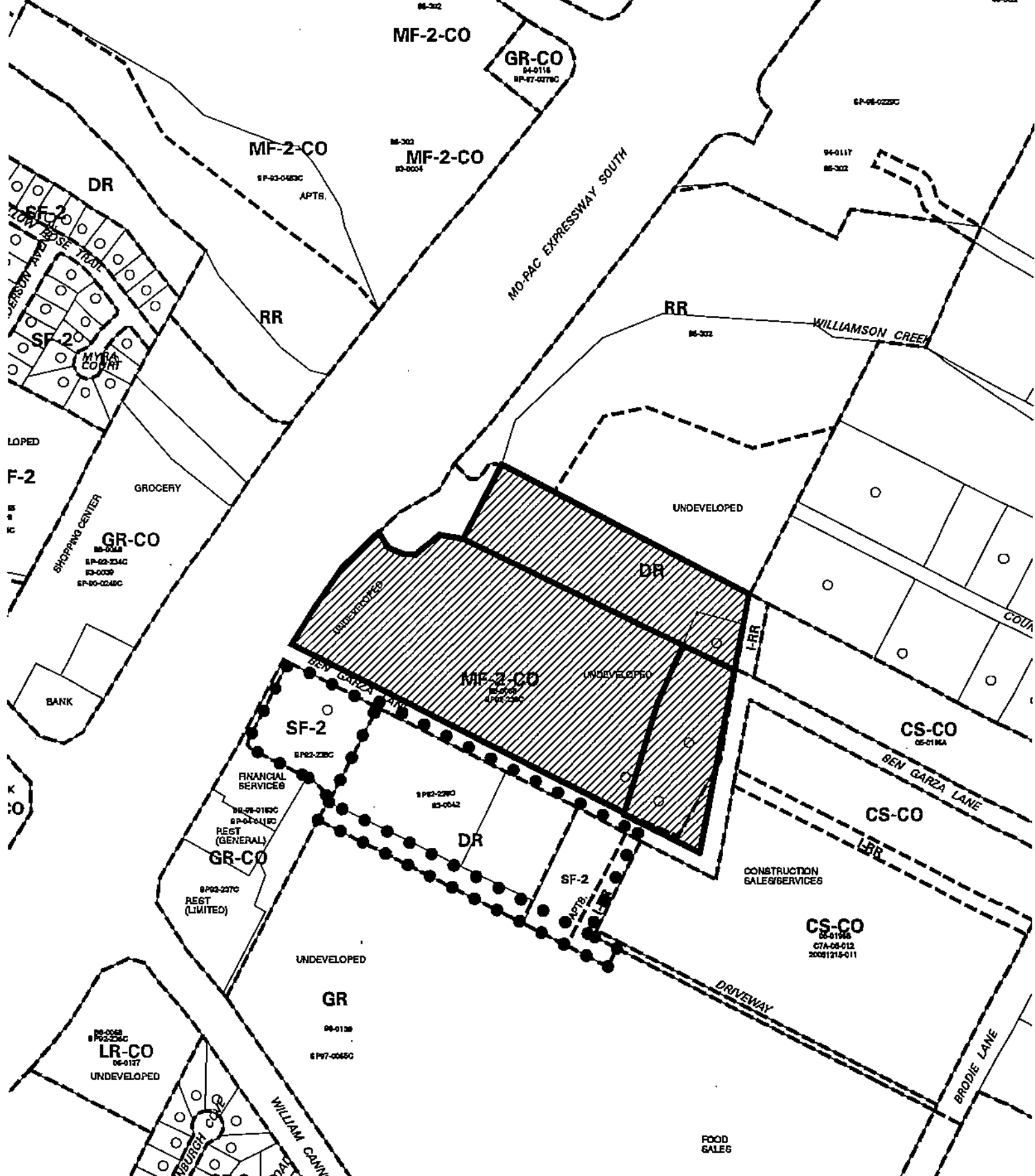
2nd





3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719



 1" = 400' SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: W. WALSH	ZONING Exhibit A CASE #: C14-06-0199 ADDRESS: 3800-4004 BEN GARZA LN SUBJECT AREA (acres): 22.118 DATE: 06-11 INTLS: SM	CITY GRID REFERENCE NUMBER E18
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MOPAC EXPRESSWAY

EXHIBIT A-1

NORTH

CONSTRUCTION SALES SERVICES

05-0196B

200512150014

MF-2-00

SP92-248G

SERVICES

3-0042

SHOPPING CENTER

88-0068

93-0038

MOPAC EXPY 5B

MOPAC EXPY 5B

MOPAC EXPY 5B

MOPAC EXPY 5B

MOPAC EXPY 5B

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GARZA RANCH

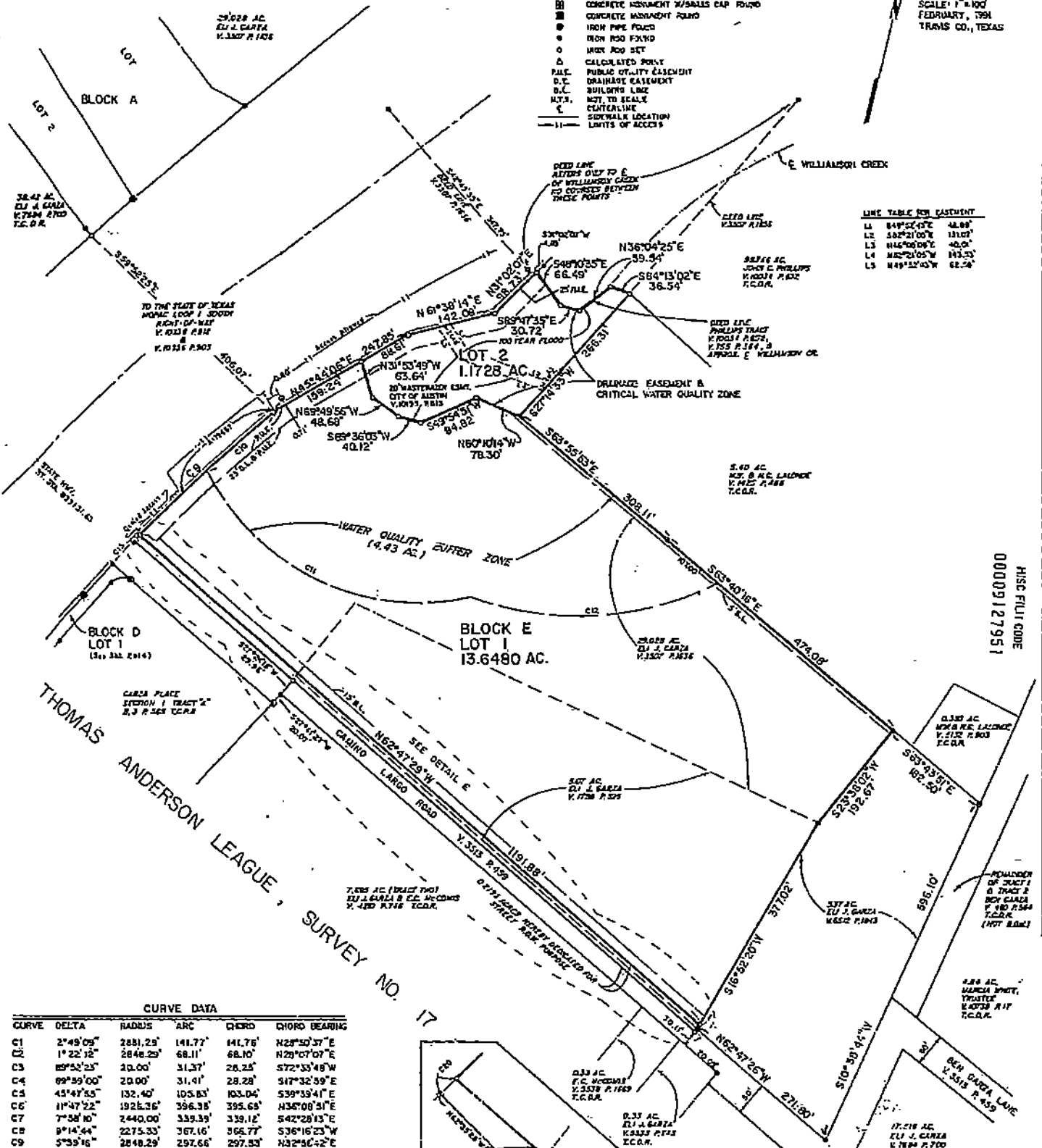
LEGEND

- R.O.W. RIGHT-OF-WAY
- T.C.D.R. TRAVIS COUNTY DEED RECORDS
- T.C.P.R. TRAVIS COUNTY PLAT RECORDS
- CONCRETE MONUMENT W/BRASS CAP ROUND
- CONCRETE MONUMENT ROUND
- IRON PIPE POUL
- IRON ROD FOUND
- IRON ROD SET
- CALCULATED POINT
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- BUILDING LINE
- NOT TO SCALE
- CENTERLINE
- SIDEWALK LOCATION
- UNITS OF MEASURE

SCALE: 1"=100'
FEBRUARY, 1994
TRAVIS CO., TEXAS

LINE TABLE FOR EASTMENT

L1	S49°52'45"E	48.89'
L2	S42°21'00"E	131.02'
L3	N46°00'00"E	40.00'
L4	N42°21'05"W	143.33'
L5	N49°15'45"W	62.24'



HISC FILE CODE
00009127951

CURVE DATA

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING
C1	2°49'09"	2881.23'	141.77'	141.76'	N28°30'37"E
C2	1°22'12"	2848.29'	68.11'	68.10'	N29°07'07"E
C3	89°52'23"	10.00'	31.37'	28.25'	S72°33'48"W
C4	89°59'00"	20.00'	31.41'	28.28'	S47°32'59"E
C5	45°47'55"	132.40'	105.83'	103.04'	S39°39'41"E
C6	11°47'22"	1925.36'	396.38'	395.68'	N36°08'31"E
C7	7°58'10"	2440.00'	339.39'	339.12'	S42°28'13"E
C8	9°14'44"	2275.33'	367.16'	366.77'	S36°16'23"W
C9	5°59'16"	2848.29'	297.66'	297.53'	N32°15'42"E
C10	2°59'21"	2348.29'	148.60'	148.58'	N34°26'40"E
C11	79°14'46"	373.00'	515.90'	475.75'	N79°09'47"W
C12	45°50'40"	500.00'	401.38'	390.69'	S72°30'27"W
C13	4°00'15"	2440.00'	170.20'	170.47'	S44°27'11"E
C14	3°51'57"	2440.00'	168.89'	168.85'	S44°28'04"E
C15	7°00'24"	2848.29'	50.04'	50.34'	S35°18'25"W
C16	06°52'07"	1095.76'	131.36'	131.28'	S37°21'05"E
C17	06°42'13"	975.76'	114.16'	114.10'	S37°26'02"E
C18	03°24'50"	1093.76'	65.25'	65.28'	N39°04'43"W
C19	06°26'35"	975.76'	160.82'	160.64'	N36°03'52"W
C20	00°08'28"	2848.29'	7.01'	7.01'	N29°53'06"E

DETAIL E
(U.T.S.)

EXHIBIT B

GARZA RANCH RECORDED PLAT

CSCI		1101 Capital of Texas Highway, Suite 1100, Austin, Texas 78701	
DRAWN BY: GLC	SCALE: 1"=100'	DATE: FEBRUARY, 1994	SHEET 10
JOB NO.: 31509.10	FILE NO.: 31509.CRD	DESC: SURVEY	S. J.

SUMMARY STAFF RECOMMENDATION:

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning. The Conditional Overlay: 1) limits the number of daily trips to 2,000 and 2) prohibits the following uses: automotive rentals; automotive repair services; automotive sales; automotive washing (of any type); exterminating services; funeral services; pawn shop services and service station.

A Restrictive Covenant limits the number of multi-family residences to 450 units across the 33.673 acres contained in this rezoning case, C14-06-0181 and C14-06-0197.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

1. The proposed zoning should be consistent with the purpose statement of the district sought.

The proposed GR, Community Commercial district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The property will have access to MoPac Expressway.

2. Zoning changes should promote compatibility with adjacent and nearby uses.

Staff recommends the Applicant's request with conditions based upon the following: 1) proximity and proposed frontage on MoPac Expressway, and existing commercial zoning and uses to the south and east; and 3) the conditional overlay will prohibit more intensive GR uses, consistent with that applied to other commercial zoned properties in the general vicinity, and 4) a limitation on the number of multi family residential units across the three properties provides an incentive for a non-residential component to occur.

EXISTING CONDITIONS**Site Characteristics**

The rezoning area is developed with undeveloped land and four single family residences, the latter of which are located near the east property line.

Environmental

This site is located over the Edward's Aquifer Recharge Zone. The site is in the Williamson Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) watershed. It is in the Drinking Water Protection Zone.

For the unplatted portion of this rezoning area, project applications at the time of this report are subject to the SOS Ordinance that allows 15% impervious cover in the recharge zone,

20% impervious cover in the Barton Creek watershed and 25% impervious cover in the Contributing zone. This tract lies in the Recharge Zone.

According to flood plain maps, there is flood plain within the project location.

Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention. Runoff from the site is required to comply with pollutant load restrictions as specified in LDC Section 25-8-514.

For the platted portion of this rezoning area, additional information is necessary to evaluate any preexisting approvals which would preempt current water quality or Code regulations.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 30,348 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utility service. The landowner, at his own expense will be responsible for providing the water and wastewater utility improvements, offsite main extension, and system upgrades. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The

plan must be in accordance with the City of Austin utility design criteria. The water and wastewater utility construction must be inspected by the City.

Compatibility Standards

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations.

This location is in a Scenic Roadway. All signage must comply with Scenic Roadway sign district regulations, section 25-10-124.



February 19, 2007

Mr. David Sullivan, Chairman & Planning Commissioners
City Hall Council Chambers
301 W. 2nd St.
Austin, TX 78701

Re: McComis – Garza / 3800 Ben Garza Lane, and 4003 Ben Garza Lane
C14-06-181, C14-06-197 and C14-06-199

Dear Mr. Sullivan, Chairman & Commissioners:

On behalf of our clients, we ask for your consideration and support for our zoning request to GR-MU for the property located just north of William Cannon and to the immediate east of the northbound lane of South Mopac. The project was presented to the Oak Hill Association of Neighborhoods (OHAN) and has received a Letter of Support. The applicants have agreed to limit the number of free standing multi-family units, should any portion of the property be developed as a multi-family project. However, any multi-family component which is part of a mixed used development project will not be counted against the total independent multi-family limit of 450 units.

The applicants have agreed to prohibit the following uses permitted under the GR category:

Automotive Rentals
Automotive Repair Services
Automotive Sales
Automotive Washing (of any type)
Exterminating Services
Funeral Services
Pawn Shop Services
Service Station

We would appreciate your consideration and ask for your support of our request as indicated above.

Sincerely,

Amelia Lopez-Phelps, President
Lopez-Phelps & Associates, LLC
611 S. Congress, Ste. 340
Austin, TX 78704
512-236-8707



July 12, 2006

Greg Guemsey
Neighborhood Planning Department
505 Barton Springs Rd., 5th Floor
Austin, Texas 78704

RE: McComis-Garza Tract Zoning Request

Mr. Guemsey:

Our organization was contacted by the agent for the above mentioned tract, regarding a request to re-zone the properties along S. Mopac, just north of William Cannon Drive. The property consists of approximately 35 acres +/-, which includes various zoning categories at this time, and is referred to as the McComis-Garza Properties.

OHAN supports the request to re-zone the properties to the GR-MU for all tracts within the McComis-Garza properties. We believe the request is reasonable and consistent with the preliminary recommendations from our member neighborhood associations in regard to the Oak Hill Combined Neighborhood Plan. OHAN also supports allowing these landowners to file their zoning applications now rather than waiting until the completion of the Oak Hill Neighborhood Planning process

We ask for your consideration and support to approve the applicants' request to change the zoning as indicated above to GR-MU. Please feel free to contact us should you have any questions.

Sincerely,

Bruce Perrin
President
Oak Hill Association of Neighborhoods
P.O. Box 90906
Austin, Tx 78709-0906
www.ohan.org

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(h)512-282-5288